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4 **UNITED STATES BANKRUPTCY COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6 **SACRAMENTO DIVISION**

7 In re:

8 **TIMOTHY CHARLES SWEENEY**

9 Debtor(s).

Case No. 11-42539-C-7

DCN: SMD - 1

DATE: May 7, 2013

TIME: 9:30 a.m.

LOCATION: 501 I Street, 6th Floor
Department C
Courtroom 35 (6th Floor)
Sacramento, CA 95814

12 **MOTION TO SELL PROPERTY OF THE ESTATE**
13 **(11 U.S.C. §363)**

14 SUSAN DIDRIKSEN ("Trustee"), in her capacity as trustee of the bankruptcy estate of
15 TIMOTHY CHARLES SWEENEY ("Debtor"), hereby requests that this Court approve the sale of
16 the Bankruptcy's Estate's interest in the following real property:

- 17 • 324 1st Street, Marysville, CA

18 In an "as is" condition to Senator Hotel Development Company, a partnership, holders of a
19 note secured by deed of trust upon the real property for \$1,600.

20 In support of this motion, the undersigned Trustee respectfully represents the following:

- 21 1. The Court has jurisdiction over the current motion under 28 U.S.C. §§ 157(a) and 1334.
This is a core proceeding under 28 U.S.C. section 157(b)(2)(A), (N) and (O).
22 2. This case was commenced by the filing of a voluntary Chapter 7 petition by the Debtor
on September 19, 2011.
23 3. Trustee is the duly appointed successor Chapter 7 Trustee.
24 4. The Debtor's Schedule A filed on or about September 19, 2011 listed the following real
25 property:
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- a. 324 1st Street, Marysville, CA
 - i. Market value of \$150,000 and secured interests of \$138,000.
5. The Debtor's Schedule D filed on or about September 19, 2011 listed four deeds of trust encumbering the property for a total of \$138,000:
 - a. Henry Baer - \$34,500
 - b. Kristie Vetterlie - \$34,500
 - c. Martin Levansin - \$34,500
 - d. Paris Hawkins - \$34,500
6. The Debtor's Schedule C filed on or about September 19, 2011 claimed monetary exemption §703.140(b)(5) pertaining to the real property in the amount of \$0.00:
7. The property was listed for sale for approximately one year with no viable offers over the encumbrances.
8. The Trustee has investigated the property's value and has determined that it is over-encumbered and no equity exists in it.
9. At the Court hearing, the Trustee will request that the Court solicits overbids. The Trustee further requests that overbids, if any, be submitted in minimum increments of \$200.00 from qualified bidders who must contact the Trustee at least twenty-four hours prior to this hearing. Any successful over bidder must remit the full amount of the cash selling price to the Trustee within twenty-four hours after the Court hearing is concluded.

WHEREFORE, the undersigned Trustee respectfully requests that this Court: A.) Approve the sale of the aforementioned interests to Senator Hotel Development Company for \$1,600, B.) Provide authority for the Trustee to execute all documents necessary to complete the contemplated sale; and, C.) Provide for such other relief as the Court deems appropriate.

Dated: April 16, 2013

Respectfully submitted,

/s/ Susan M. Didriksen
Susan M. Didriksen, Chapter 7 Trustee